Dear

# Stage 3: Performance Capability Hearing

I refer to the Performance Review meeting held on \_\_/\_\_/\_\_ by \_\_\_\_\_\_\_\_\_, concerning your unacceptable level of work performance.

As you are aware, your line manager set a review period for an improvement to occur in your performance during Stage 2 of the Managing Performance procedure. Now that the review period has ended, I have been informed by your line manager that the required improvement has **not** occurred. Your line manager has therefore decided, to progress the matter to a performance capability hearing at **Stage 3** of the Managing Performance procedure.

**OR**

As you are aware, your line manager decided to progress matters directly to a performance capability hearing at Stage 3 of Managing Performance procedure.

You are therefore requested to attend a performance capability hearing with me on \_\_/\_\_/\_\_ at \_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_\_\_.

You have the right to be accompanied at the hearing by a trade union representative or work colleague. I will chair the hearing and will be accompanied by an HR Adviser. Your line manager will also attend to present a report on your performance.

I have to inform you that the purpose of the hearing is to consider whether it is appropriate to terminate your employment on grounds of lack of capability due to sustained poor work performance and due to you being unable to fulfil your contractual responsibilities as a result of your performance. You should be aware that termination of your employment is being contemplated and could be an outcome of the hearing. All reasonable options will be considered at the hearing as an alternative to dismissal.

You will be given the opportunity at the hearing to provide a full response as to why you have been unable to attain an acceptable standard of work performance.

I intend to conduct the performance capability hearing using the following procedure:

1. I will explain the purpose and format of the hearing and deal with any procedural issues that may arise.
2. I will then ask the manager who conducted the Stage 1 and 2 meetings to present a report on your work performance and on the content of the meetings and review period(s), including the measures taken to assist you to improve your work performance.
3. I will ask the manager to explain why they considered it necessary to progress matters to Stage 3 of the procedure, meaning that termination of employment on grounds of lack of capability due to sustained poor performance is being contemplated.
4. You and/or your companion will then have the opportunity to ask any questions of the manager
5. I will then ask you to respond and to present your case.
6. I will consider your response, any suggestions you put forward and any other information you present.
7. My colleague and I will then ask any questions of you and the manager and there will be an opportunity for a general discussion during which both you and the manager can raise relevant issues not covered earlier.
8. You will be given the opportunity to conclude your response by highlighting any aspects you consider to be particularly relevant or anything further in support of your case.
9. I will allow adjournments during the course of the hearing where I deem they are necessary.
10. At the end of the hearing an adjournment will occur. During the adjournment, I will consider all relevant issues that emerge from the hearing. I will then decide whether termination of employment on grounds of lack of capability due to sustained poor performance is appropriate or whether another course of action will be followed.
11. I will then notify my decision to you in writing, along with the reasons for arriving at that decision. I would hope to reach a decision within 24 hours of the hearing although the length of the adjournment will, of course, depend on the issues that I need to consider.

You are expected to take all reasonable steps to attend the hearing as arranged. I have to advise you that should you, in my view, fail to attend the hearing without good and sufficient reason it is likely that the hearing will proceed and a decision will be taken in your absence.

If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. This alternative date must suit everyone involved and be no more than five working days after the original date – otherwise you will have to select another companion or attend the hearing unaccompanied.

I have enclosed a copy of the performance capability report completed by your manager which includes any additional evidence to which they will be referring to at

the hearing. If you would like to submit any further information in support of your case, then you should forward this to me at least 24 hours in advance of the hearing.

Please telephone me as soon as possible to confirm that the above date and time for the hearing is suitable and whether you will be accompanied and, if so, by whom.

I trust this satisfactorily explains the stage you are at in the procedure.

Yours sincerely

# NAME OF OFFICER CONDUCTING MEETING